

ZB# 03-29

M & Y Builders

55-1-77.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 6-2-03
(See 03-10)

— ZBA 03-29 M & Y BUILDERS —
AREA - 22 E. GREEN ROAD 55-1-77.1

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-29 TYPE: AREA ✓ USE _____

APPLICANT: M+Y Builders
P.O. Box 995
Monsey, NY 10952
TELE: 598-3243

*RESIDENTIAL: \$ 50.00 CHECK # 7812
**COMMERCIAL: \$150.00 CHECK # _____
*INTERPRETATION: \$150.00 CHECK # _____

ESCROW: \$300.00 \$500.00 CHECK # 7813

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>10</u> <u>6/23/02</u> ..\$	<u>45.00</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING.....	_____	_____
PUB HEARING (CONT')...	_____	_____
TOTAL	\$ <u><u>45.00</u></u>	\$ <u><u>35.00</u></u>

OTHER CHARGES:..... \$ _____

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ESCROW POSTED: \$ 300.00
AMOUNT DUE: \$ _____
REFUND DUE: \$ 220.00

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 55-1-77.1

-----X
In the Matter of the Application of

M & Y BUILDERS, INC.

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #03-10 +03-29
-----X

WHEREAS, M & Y Builders, Inc., owners of 22 East Green Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an request for 62,281 square feet minimum lot area; 91 feet minimum lot width; 11 feet and 18 feet required side yard setback; 38 feet required rear yard setback; 2% developmental coverage to remove existing mobile home and construct a two story house in an R-1 zone; and

WHEREAS, a public hearing was held on the April 14th, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, represented by Frank Cobb, Esq. and Mr. Grossman, an office of the corporation and Mr. Nelson Pierre, P.E. appeared on behalf of this Application; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, there were three spectators who spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The lots in the area are substandard sized lots because the area was originally built as a summer/bungalow community.

- (c) The properties surrounding the instance property are owned by persons other than the applicant and are not available to the applicant for purchase.
- (d) The applicant proposes to remove an existing mobile home on the premises on the property and replace it with a proposed residential building.
- (e) The property which is the subject of this application borders on a lake.
- (f) All the lots on the lake front, other than this property, appear to be approximately the same size as this property.
- (g) The rear yard of the proposed premises is directly contiguous to the lake and is smaller in size than currently required by the Town of New Windsor Zoning Code.
- (h) The applicant presented plans for the proposed residence to be constructed on the premises and it is on the basis of construction of this building that the variance application has been considered.
- (i) In order to construct the premises, it will not be necessary for the applicant to remove any substantial trees or vegetation.
- (j) The proposed structure has the capacity for a fourth bedroom.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances provided that the applicant places on the premises a home no larger than the home described in the application and a home which does not have the capacity to accommodate more than three bedrooms. In the plan presented to the Board, one area on the second floor was identified as "Study" and had a closet. This is unacceptable, since that room could easily be converted into a fourth bedroom. The applicant must submit plans to the Building Inspector which do not have the capacity for a closet in such a room or have a space which would be able to be made into a fourth bedroom.

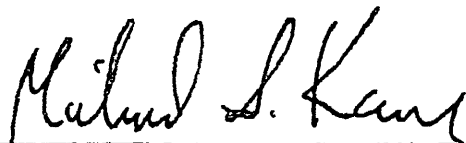
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 62,281 square feet minimum lot area; 91 feet minimum lot width; 11 feet and 18 feet required side yard setback; 38 feet required rear yard setback; 2% developmental coverage to remove existing mobile home and construct a two story house in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 2, 2003



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 5/19/03

APPLICANT: M & Y Builders Inc.
22 East Green Road
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed one family house

LOCATED AT: 22 East Green Road

ZONE: R-1 Sec/Blk/ Lot: 55-1-77.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed new house will increase approved square footage of 1, 848sqft. Proposed new house will increase approved number of rooms on 2nd floor from 3 bedrooms to add additional study or 4th bedroom.

COPY


BUILDING INSPECTOR

PERMITTED: 1, 848sqft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MAX LIVABLE AREA:

2,712sqft

864sqft

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

03-29

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAY 14 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 65-1-77.1

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MAY BUILDERS INC. (ABE) GROSSMAN

Address P.O. Box 995 Phone # 845-598-3243

Mailing Address Monsey, N.Y. 10955 Fax # 845-4250801

Name of Architect Advanced Building Design

Address 55 UNION ROAD, SUITE 213 Phone 845 352-PIAN

Name of Contractor MAY BUILDERS INC

Address PO Box 995 Monsey, N.Y. 10952 Phone 845 598 3243

State whether applicant is owner, lessee, agent, architect, engineer or builder N.Y.

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

ABRAHAM MAN
Chairman

1. On what street is property located? On the Rt side of EAST GREEN ST.
and 300 (APPRX) (N, S, E or W) feet from the intersection of 207

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y (N)

3. Tax Map Description: Section 55 Block 1 Lot 77.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy VACANT LAND b. Intended use and occupancy Residence

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms 4 Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

ZONING BOARD

10. Estimated cost _____

Fee

\$50 ch # 7798

PAID

PAID

Frank

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances


Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

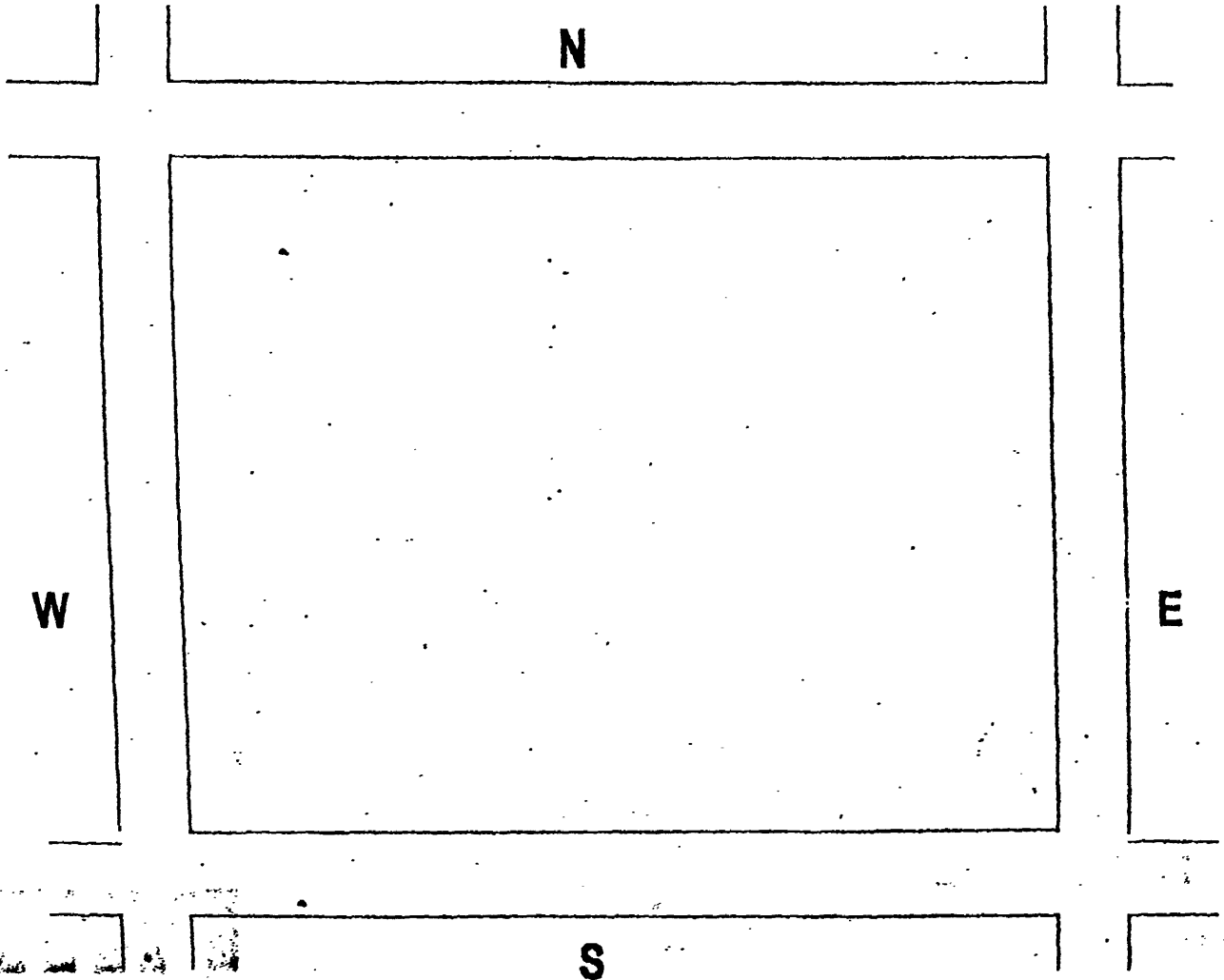

(Address of Applicant)

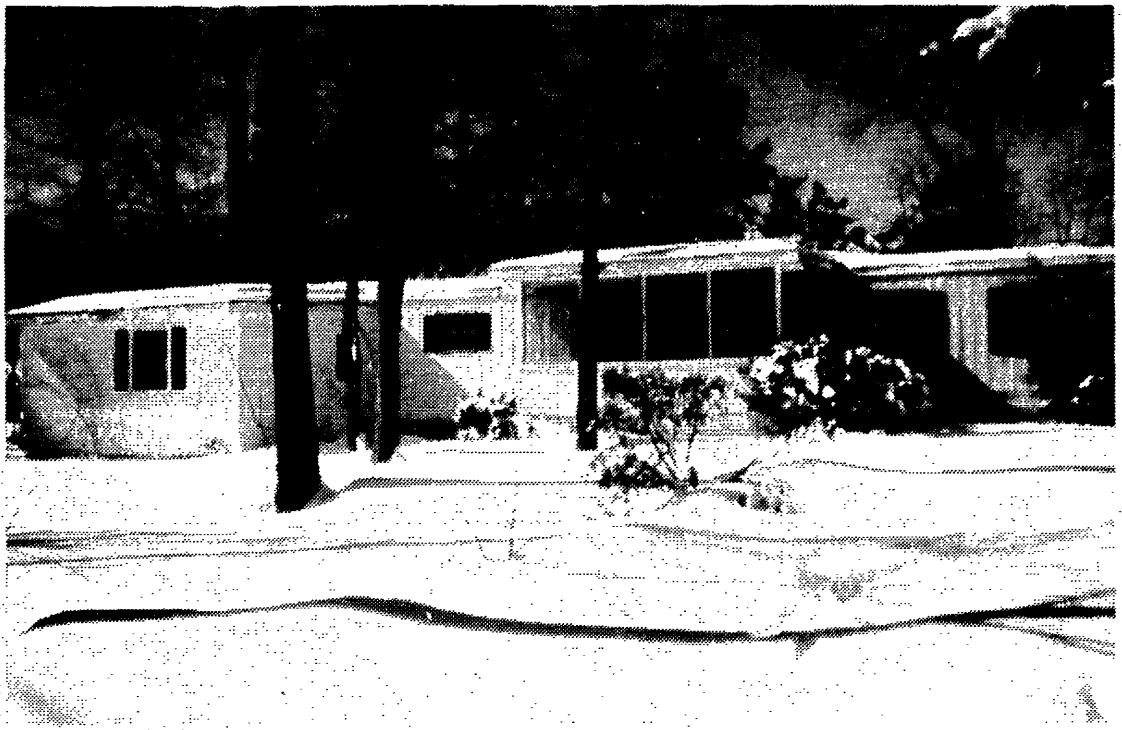
PO Box 995 Monsey N.Y. 10952

(Owner's Address)

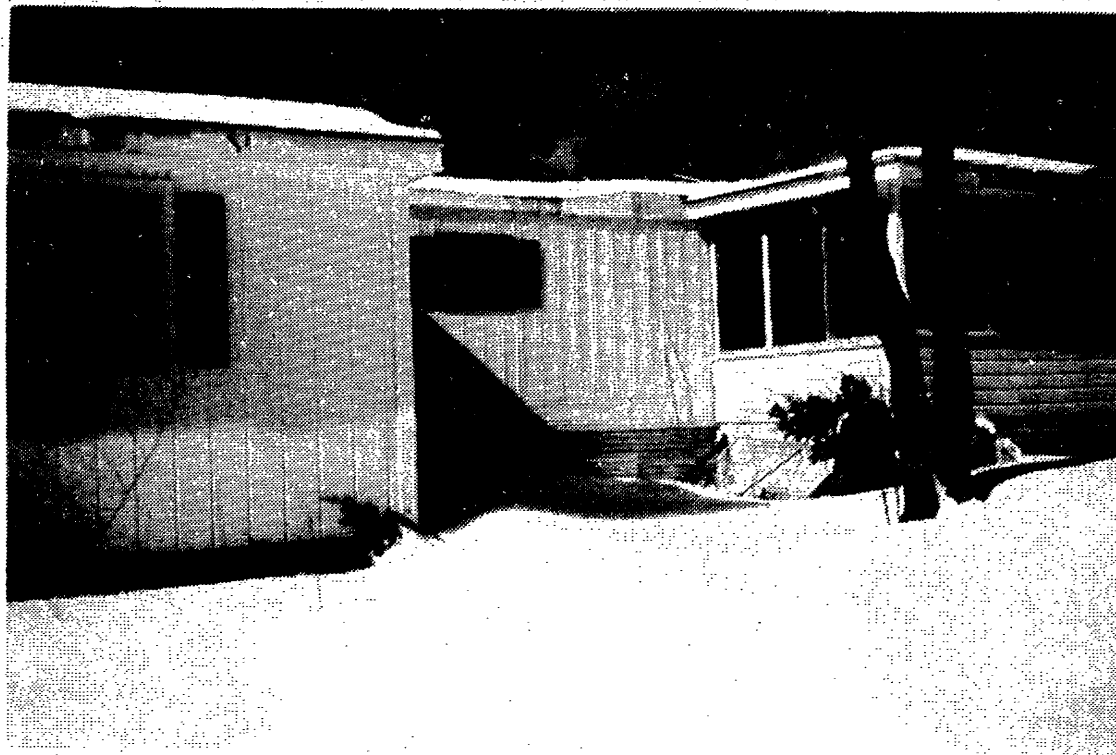
PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



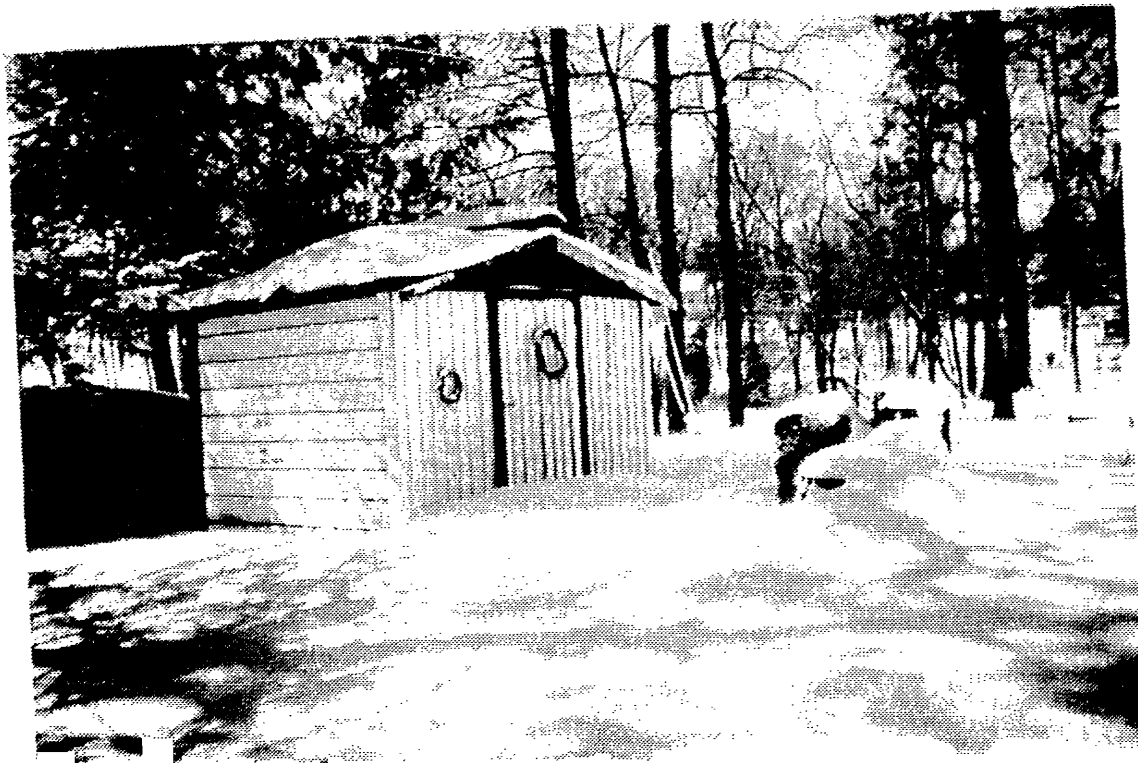


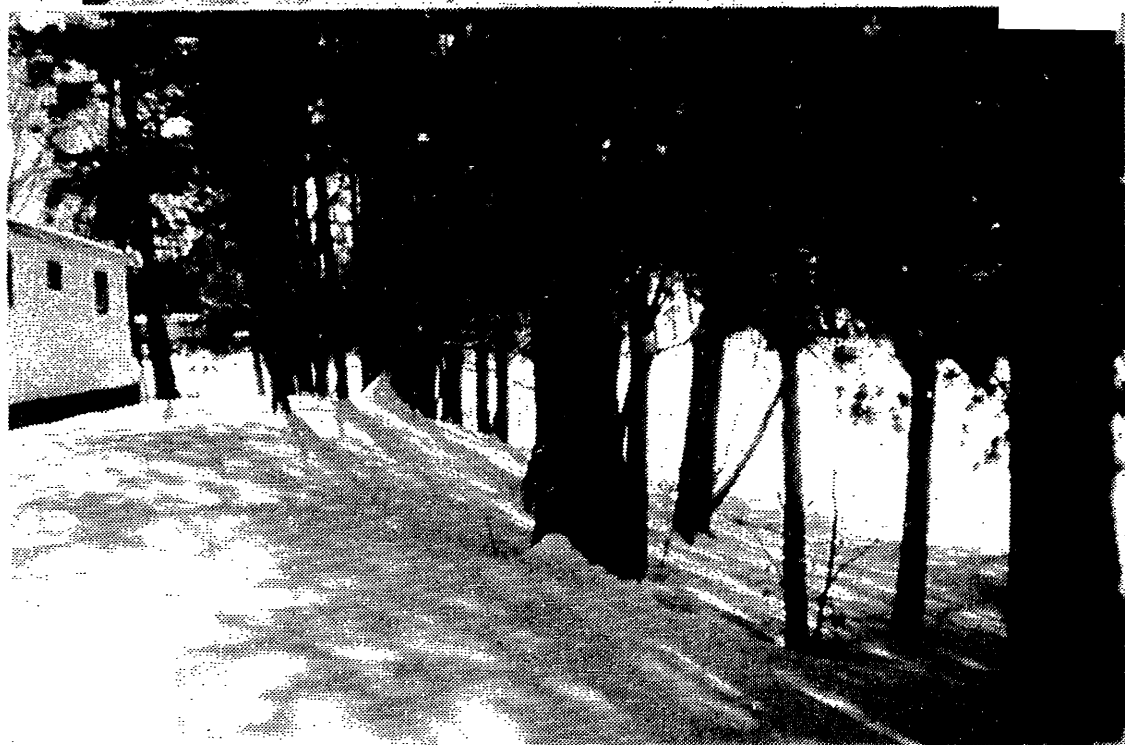












**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 11, 2003
SUBJECT: ESCROW REFUND 03-10 & 03-29 - M&Y BUILDERS

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 351.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-10 & 03-29_u

NAME: M & Y BUILDERS, INC.

ADDRESS: P.O. BOX 995

MONSEY, NY 10952

THANK YOU,

MYRA

L.R. 8-11-03

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615

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ADDRESS: P.O. BOX 995

MONSEY, NY 10952

THANK YOU,

MYRA

L.R. 8-11-03

M & Y BUILDERS, INC. (#03-29)

MR. TORLEY: Request for 864 square feet variance for maximum livable area at 22 East Green Road in an R-1 zone.

Mr. Abraham Grossman appeared before the board for this proposal.

MR. KANE: Didn't we have a public hearing on this already?

MR. TORLEY: Yes, there was. Mike, do you have anything to inform us on this matter?

MR. BABCOCK: Well, when the gentlemen were in at the preliminary or at the first meeting, they asked for several variances, setbacks, lot widths and so on and so forth. And in the process of getting the variances, they were, there was some discussion with the board about square footage and one of the gentlemen mentioned that the house would be 2,500 square feet. So throughout the process, I mentioned to the board that the plan that was submitted to us was 1,848 square feet so then there was some discussion about 3 bedroom and 4 bedroom soon on and so forth and if it had closets, it's a bedroom, so they worked that all out, we got that worked out so they got their approval. They submitted the plans to the building department. The plans came up with 2,712 square feet. So we told them that we felt that the variance is based on and approved for all the things including the 1,848 square feet. So basically that's why they're back here. And one other thing that I didn't really notice last time was they did get a developmental coverage so if they're increasing the size of the house, anything over 1,848 they're also going to need a developmental coverage variance, an additional one.

MR. TORLEY: Are you increasing, will the footprint of the house--

MR. GROSSMAN: That's not correct. To the board, basically, what happened was at the last meeting, the engineer had placed on the bulk table erroneously he

had placed 1,848 because that was actually the footprint of the house with the garage, complete footprint of the house so he wanted since we were basically going for side variances, back variance and front variances he wanted, he put down 1,848 but I did agree it was actually incorrect because he should of put down the second floor also of the home which makes the home 2,700 square feet. But at the meeting, I have over here at the last previous meeting they asked Mr. Cappello who was my lawyer how many square feet as far as the house is concerned so Mr. Cappello says Mr. Grossman, why don't you come up, this is an officer of the corporation, Mr. Grossman, Mr. Grossman answered approximately 2,500 square feet so I did not have the exact number. I said 1,848 and I knew the house was for 2,500 square feet so I did say the house is approximately 2,500 square feet. There wasn't a question of trying to finagle over here, it was, I did actually say at the meeting that only 1,848 was actually erroneous as far as, cause that was the actual footprint of the house. Now we're not coming over here to change anything of the existing original plan that was submitted. The original plan was submitted, it's still the same plan that's submitted, we were approved for the side setbacks, front setbacks, whatever we were approved for, we're not asking for any additional coverage on the property, only thing we're requesting is the correction of the record that the house was 2,712, it's not a question of asking for any other variances other than that.

MR. TORLEY: Okay, so the house actually must be at least 1,200 square feet to be legal and he's proposing to build 2,700 square feet so it's more than the zoning code requires. The question I have then is are we going because it's going to be a two story, et cetera with the side and rather setbacks, are we going to be getting the building height problem?

MR. BABCOCK: No.

MR. TORLEY: And developmental coverage is the same.

MR. BABCOCK: If that's what he's saying we'll verify that at the time of a survey.

MR. KANE: And we're keeping the same footprint that we had before.

MR. GROSSMAN: There's no change in the footprint of the original plan. The only thing I'm requesting over here is one question was it was brought up at the last meeting which some of the neighbors brought up this issue that the existing septic system which we were planning to reuse was only approved for three bedroom, the original plan that we submitted showed a fourth study which could be, was interpreted that somehow would be able to be used for a four bedroom so--

MR. TORLEY: It can.

MR. GROSSMAN: Right, so the board said which was reasonable that I should somehow move away, restructure it, that there should be no, they should not use it as four bedroom, no chance to use it as a four bedroom but what happened was when we went, my engineer went to work on the, check out the existing septic, he did not like the way it was done and basically we revamped the complete septic system so he went over the existing one and he changed the tank and he completely revamped it and the engineer says absolutely not a problem for the four bedroom. So my request over here is since the only issue was that the existing one was a problem was only approved for three bedroom but I do have here from the engineer--

MR. TORLEY: That's not us, that's the building inspector, we cannot, if the building inspector says the septic system's only good for three bedroom, we cannot vary it.

MR. GROSSMAN: No, he did not.

MR. KANE: But we approved it based on doing three bedroom and that was a condition of our approval. So I think that personally I think I wouldn't change it, you would have to go back in front of a public hearing to change something like that and give up what variances we gave you and gamble that we're going to give it to you again. I don't have a problem with correcting the

square footage because that just seems like a mistake, if we're staying with the footprint, obviously, a building that's 1,800 on a footprint is going to be built with a second story.

MR. TORLEY: Whether it's three or four bedrooms all we're allowed to grant relief from is the area setbacks, et cetera, if the building inspector and health department says that this structure you can't put a septic system, that's it so--

MR. KANE: I agree with that.

MR. TORLEY: My only concern was I see that there's, there was a 22 percent developmental coverage and he's permitted 20, didn't he, did he get a variance on that?

MR. BABCOCK: Yes, he did.

MR. TORLEY: So as long as we're not changing.

MR. BABCOCK: But we went over his engineer's numbers, what he's saying is that his engineer's numbers are wrong, so what's right if it's 1,848 square feet is a mistake then it's also a mistake on the developmental coverage because that's the numbers his engineer made.

MR. TORLEY: Or just the fact that it's a second story.

MR. BABCOCK: No, it's not.

MR. TORLEY: Well--

MR. BABCOCK: Eighteen never came into play except for his plan.

MR. TORLEY: That was the first floor and the garage.

MR. GROSSMAN: That's correct.

MR. BABCOCK: Well--

MR. TORLEY: So the engineer was showing the footprint.

MR. BABCOCK: Yes, that kind of works out.

MR. KANE: Those numbers add up that way.

MR. BABCOCK: Yes, it does.

MR. TORLEY: So the engineer is just describing the square footage of the footprint of the building.

MR. BABCOCK: That's correct.

MR. TORLEY: If we're not changing the footprint of the building but adding another story, does that change it, doesn't change developmental coverage?

MR. BABCOCK: No, it doesn't.

MR. TORLEY: And he's far enough off the side yards that he's not getting into building height requirements?

MR. BABCOCK: That's correct.

MR. KANE: I don't have a problem with the number because we're staying with the same footprint but I still say during our meeting we were adamant that we stay with the three bedroom, instead of a fourth bedroom.

MR. MC DONALD: And that was a public hearing to my opinion, I'm not that well versed, but I think that we'd have to do that by public hearing to change it.

MR. KRIEGER: If you're going to change that, you'll make that a condition of the granting of the variance and to remove that condition has to be by public hearing. Now, the question with respect to the numbers is since it appears that the 1,800 number represented the size of the footprint and I think that was the intention of the board at the time, whether it is in fact now 2,700 feet really doesn't matter for the purpose of developmental coverage. If that was the, if the board decides at this point that that was his intent in enacting that in looking at that originally then there would be no need for a--

MR. KANE: If my memory serves me correct, that was the intent of the board keeping the footprint with the garage, what we talked about the 18 and the second story three bedroom.

MR. MC DONALD: That's it, that's the way I voted anyway.

MR. KANE: I agree.

MR. TORLEY: That was the meeting I was not present at, I don't think I was here for that one.

MR. KANE: That was our intent.

MR. TORLEY: Well, if the intent was expressed at the meeting, the expectation was three bedroom, then I think to make the changes would require a public hearing.

MR. KRIEGER: To make a change from the number of bedrooms would require a public hearing. Merely to correct the square footage in view of the fact that the footprint stays as it was originally.

MR. TORLEY: No because if we're going to a two story building out there.

MR. KANE: No, it was always two story.

MR. KRIEGER: It always was a two story building.

MR. REIS: It was just I believe the whole thing was the calculation of the numbers was in error, however that happened, it doesn't really matter, it was an error, now he wants to correct it.

MR. KANE: We saw the plans, it was a two story building we were talking about but we were very adamant with keeping the footprint of the building that's existing and not going over the footprint. We did have a second story and we cut the fourth bedroom out and made it adamant about making it a three bedroom only.

MR. TORLEY: In that case, you have to go to public

hearing to change it.

MR. KRIEGER: If you're going to change the number of bedrooms, yes.

MR. KANE: So that goes to the applicant then what he wants to do, I mean, he can accept our judgment and build it right there with a three bedroom at the 2,700 odd square feet or reapply and try to add another, change the variance that we gave him to go to a fourth bedroom.

MR. BABCOCK: In the minutes if you read the minutes as discussed Mr. McDonald discusses that there's a possibility that the fourth room could be turned into a bedroom and the applicant, Mr. Grossman?

MR. GROSSMAN: That's correct.

MR. BABCOCK: Said that it's only going to be three bedrooms and a study, it will not be changed into a bedroom, we'll remove the--there's no room for a study downstairs, basically that's what they're saying.

MR. KANE: We were adamant.

MR. REIS: I think part of the decision making process was because of the limitations of the existing septic and now that--

MR. TORLEY: That's the kind of thing that would have to be brought up at the public hearing since this is, you've changed the septic system.

MR. REIS: Now that he has the ability to create a fourth bedroom situation.

MR. TORLEY: And if he could demonstrate the septic could support it.

MR. MC DONALD: Then that would be something else that we'd be able to take into consideration. But at the time when we brought it up, the septic system, we were under the impression would not handle the four bedrooms.

MR. KANE: Therefore, we were adamant about the three bedrooms, so your options are this, as far as I see it, if I can speak for you.

MR. TORLEY: Please.

MR. KANE: You can accept our judgment that there was an error with the square footage, proceed with the square footage as is on the plan with the variances that we gave you as a three bedroom home or reapply for a new variance to add a fourth bedroom because you have new information on the septic and have a re-vote on that, whether it be positive or negative.

MR. GROSSMAN: Okay, so my question here is this, if what happened was if the original zoning meeting I had gone, I did not realize that there was an error with the 1,848, I had went back to my architect and said, you know what, I want you to modify it and take away the room over there and want to you modify it upstairs, that it should only be a three bedroom and he did that so you have, he re-made the plan for me, then I resubmitted it but then the problem came up with the square footage, this is the plan I have in front of me that was modified as a three bedroom, my question is this, this would be okay, I will just proceed with this, I'm not going to go any further.

MR. KANE: Honestly, if you're asking for an opinion, you know, it's up to the building department. So if you're staying within the same footprint and the building department then can approve that with the same footprint, Mike, on the 2,700 square foot.

MR. BABCOCK: Yes.

MR. KANE: Then we'll correct the number, for the record, the number will be corrected and as per Mike and whatever other provisions he's had.

MR. GROSSMAN: Number as far as what?

MR. BABCOCK: The square footage number.

MR. GROSSMAN: At that meeting--

MR. TORLEY: But, sir, so as I understand you, you're going to build this as a three bedroom house?

MR. GROSSMAN: That's correct.

MR. KANE: On the existing footprint?

MR. TORLEY: You're now speaking for the record that this is a three bedroom house?

MR. GROSSMAN: That's correct.

MR. TORLEY: If we see it marketed as a four bedroom house, you're in trouble.

MR. GROSSMAN: That's no problem.

MR. KANE: So you need to, so Mike understands where we stand as far as what we want for square footage, you would resubmit your plans to the building department and he will approve or deny that. We're going to correct our square footage.

MR. GROSSMAN: Well, the square footage will stay at 27.

MR. BABCOCK: 2,712, yes.

MR. KANE: The actual numbers you'll have to verify with Mike but our intent was the same footprint two story house, three bedroom.

MR. GROSSMAN: Okay.

MR. TORLEY: That's what you're stipulating for the record that it's a three bedroom.

MR. GROSSMAN: That's correct.

MR. RIVERA: Will that need a public hearing?

MR. TORLEY: I don't think so.

MR. KANE: Clerical error, basically.

MR. KRIEGER: This is basically the same application that was made before.

MR. TORLEY: Just making technical fixes.

MR. KANE: Just for the record to change the number, the intent was always there.

MR. REIS: Mr. Grossman, are you comfortable with the, are you all set?

MR. GROSSMAN: Yes.

MR. KANE: Thank you.



RESULTS OF Z.B.A. MEETING OF:

June 23, 2003

PROJECT: Mε'4 Builders (Return)

ZBA # 03-29

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y N

★ ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

REIS

KANE

TORLEY

CARRIED: Y N

House to remain 3 bedrooms

462

1368
1353
1359

SECTION 7 BLOCK

SECTION
LIBER

BULK REQUIREMENTS

MINIMUM REQUIREMENTS	REQUIRED	PROPOSED
LOT SIZE	80,000 SQUARE FEET	17,719 SQUARE FEET
LOT WIDTH	175'	84'
FRONT SETBACK	45'	96'
SIDE SETBACK	40'	29'
BOTH SIDE SETBACK	80'	62'
REAR SETBACK	50'	12'
MAX BLDG HEIGHT	35'	2 STORY
DEVELOPMENTAL COVERAGE	20%	22%
REQUIRED STREET FRONTAGE	70'	84'
MINIMUM LIVABLE FLOOR AREA	1,200 SQUARE FEET	1,848 SQUARE FEET
HEIGHT IN REQUIRED REAR YARD, MAXIMUM (FEET)	15'	<15'
SETBACK FROM ANY LOT LINE, MINIMUM (FEET)	10'	0.6'
ZONE	R-1: RURAL RESIDENTIAL	

ACCESSORY BUILDINGS

LEGEND

510



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS Regular Session - JUNE 23, 2003

AGENDA 7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **M & Y BUILDERS, INC. (#03-29)** Request for 864 square feet variance for Maximum Livable Area at 22 East Green Road in an **R-1 Zone (55-1-77.1)**
2. **TOM PRENDERGAST (#03-30)** Request for 12 ft. Rear Yard Setback for proposed attached deck at 110 Merline Avenue in an **R-4 zone (18-1-19)** *ERIC MASON*
3. **BOB & ROSEMARY HERSH (#03-31)** Request for 3 feet Rear Yard Setback for proposed roof over existing deck at 444 Philo Street in an **R-4 Zone (73-4-1)**
4. **JOSEPH COMO (#03-32)** Request for 8 ft. Rear Yard Setback for proposed addition; and 4 ft Side Yard Setback and 5 ft. Rear Yard Setback for existing shed at 433 Philo Street in an **R-4 Zone (73-3-11)**

PUBLIC HEARINGS:

- ✓ 5. **JEAN LEWIS (03-24)** Request for 7 ft. Required Front Yard Setback and 14 ft. Required Side Yard Setback for proposed deck on 15 Shaw Road in an **R-1 zone (53-3-2)**
- ✓ 6. **WILLIAM & LINDA FARRELL (03-20)** Request for:
2 ft. Side Yard – Proposed pool deck
5 ft. Front Yard for above-ground pool located in required front yard – Corner Lot
Existing 6' fence projects between the house and road – Corner Lot

All located on a corner lot at 301 Butternut Drive in a **CL zone (78-6-13)**
- ✓ 7. **PLYMPTON HOUSE (PETER KRONNER) (#02-59)** Request for Use Variance for proposed catering use at 10 Plympton Street in a **PI Zone (14-2-3.1) PB #02-23**
- ✓ 8. **JESUS & JOSEFA HERNANDEZ (#03-23)** Request for 5.4 ft. Required Side Yard Setback for existing deck at 35 Cross Street in an **R-4 zone (40-3-7)**
- ✓ 9. **EUGENE & JACQUELINE SCARANO (03-25)** Request for 7 ft Maximum Building Height and 16% Developmental Coverage for proposed detached garage at 516 Union Avenue in an **R-4 zone (7-4-4)**
- ✓ 10. **ROBERT MC KNIGHT (#03-27)** Request for 7 ft. Required Rear Yard Setback for proposed rear deck at 51 Birchwood Drive in an **R-4 zone (40-1-1)**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

June 4, 2003

M & Y Builders, Inc.
P.O. Box 995
Monsey, NY 10952

ATTENTION: ABRAHAM GROSSMAN

SUBJECT: REQUEST FOR VARIANCE #03-29

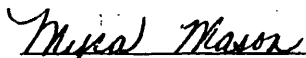
Dear Mr. Grossman:

This letter is to inform you that you have been placed on the June 23rd, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

22 East Green Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#541-2003

06/05/2003

M & Y Builders # 03-29
22 East Green St.
Rock Tavern, NY 12575

Received \$ 50.00 for Zoning Board Fees, on 06/05/2003. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-03-03

FOR: **ESCROW**

FROM: **M & Y BUILDERS, INC.**

P.O. BOX 995

MONSEY, NY 10952


CHECK NUMBER: **7813**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE


6/5/03

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #03-29 Application Fee

M & Y BUILDERS INC.

P.O. BOX 995
MONSEY, NY 10952

598-3243

7812

DATE 5/22/03

1-100/210

PAY TO THE ORDER OF TOWN OF NEW WINDSOR

\$ 50 ^{xx}/_{xx}

FIFTY DOLLARS

DOLLARS

HSBC BANK USA
14 EAST CENTRAL AVENUE
SPRING VALLEY, NY 10977-0502

Contains Security
Features. Details
on Back.

FOR APPLICATION Fee

Joah B. C

⑈007812⑈ ⑆021001088⑆ 096738731⑈

ZBA #03-29 ESCROW

M & Y BUILDERS INC.

P.O. BOX 995
MONSEY, NY 10952

598-3243

7813

PAY TO THE ORDER OF TOWN OF NEW WINDSOR

DATE 5/22/03

1-100/210

THREE HUNDRED DOLLARS

\$ 300 ^{xx}/_{xx}

DOLLARS

HSBC BANK USA
14 EAST CENTRAL AVENUE
SPRING VALLEY, NY 10977-0502

Contains Security
Features. Details
on Back.

FOR ESCROW

Joah B. C

⑈007813⑈ ⑆021001088⑆ 096738731⑈



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



May 22, 2003

Date

Application Type: Use Variance ☐ Area Variance ☒

Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (646) 772-9726
M & Y Builders, Inc. Fax Number: (845) 425-7347

(Name)

P. O. Box 995, Monsey, New York

(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()

(Name)

(Address)

III. **Attorney:** Phone Number: (845) 623-0883
Frank J. Kobb, Esq. Fax Number: (845) 623-0966

(Name)

404 East Route 59, Nanuet, New York

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 566-0788
Fax Number: (845) 566-0798

Adoni Engineering & Land Surveying, P.C.

(Name)

1662 Route 300, Suite 110, Newburg, NY 12550

(Address)

V. **Property Information:**

Zone: R-1 Property Address in Question: 22 East Green Road
Rock Tavern, NY 12575

Lot Size: 17,719 Tax Map Number: Section 55 Block 1 Lot 77.1

a. What other zones lie within 500 feet? NONE

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? January 28, 2003

d. Has property been subdivided previously? Unknown If so, When: _____

e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No

f. Is there any outside storage at the property now or is any proposed? Yes-Existing

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

03-29

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**		2,712 Sq.ft	864 Sq ft.
Parking Area			

Proposed new house will increase approved number of rooms on 2nd floor from 3 bedrooms to add additional study or 4th bedroom.

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

SEE NARRATIVE SUMMARY ATTACHED

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-29

NARRATIVE SUMMARY

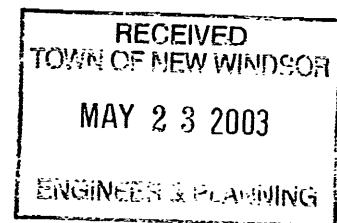
The applicant received a variance from the Zoning Board of Appeals on April 14, 2003, wherein certain required variances were granted.

Due to an error in part of the papers submitted the actual house plan which was submitted listed the square footage as 1848 square feet when as the actual square footage of the plan submitted was 2712 square feet. The 1848 square feet was the foot print in respect to the house to be constructed, but it was submitted as the square footage of the house which of course was incorrect.

At the public hearing in connection with the prior application, the applicant testified that the approximate square footage of the plan before the Board which they were reviewing at the time was approximately 2500 square feet. However, in error there was some mention made that the square footage was 1848 square feet.

The purpose of this application is to correct the record so as to conform with the actual square footage as shown on the Building Plan which was before the Board as part of the application file at the time of the last hearing.

In addition to the application in connection with the square footage of the plan, the applicant is requesting review of the Board's earlier determination in respect to a limitation of the house to be constructed. At the prior hearing, the Board indicated that the house to be constructed should be limited to three bedrooms. This determination was based upon the then existing septic system. Since the then existing septic system was approved for three bedrooms, that the house to be constructed should be limited to three bedrooms. Subsequent to the original hearing, the septic system has been revamped and certified by the applicant's engineer so that the same can adequately handle a four bedroom house.



XII. **ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-
-

XIII. **ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (**each payable to the TOWN OF NEW WINDSOR**)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ ~~250.00~~ , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (**IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.**)

XIV. **AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Affirmed

~~Sworn~~ to before me this:

22nd day of May 20 03,


Signature and Stamp of Notary


Owner's Signature (Notarized)
Abraham Grossman

ABRAHAM GROSSMAN

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Frank J. Noble
Notary Public, State of New York
No. 02407319680
Appointed for Rockland County
Commission Expires January 31, 2007

03-29